

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UPTOWN PRODUCE CONNECTION, INC.,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	Case No. 08-CV-3660
	)	Honorable Judge Charles R. Norgle
TRI-COUNTY PRODUCE, INC. and ANGELO MARANO, DAVID MARANO, and PATRICIA MARANO, each individually,	)	
	)	<b>REQUEST FOR ENTRY OF DEFAULT</b>
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>		
STRUBE CELERY & VEGETABLE COMPANY, MICHAEL J. NAVILO & SON, INC. and COOSEMANS CHICAGO, INC.,	)	
	)	
Intervening -Plaintiffs,	)	
	)	
v.	)	
	)	
TRI-COUNTY PRODUCE, INC. and ANGELO MARANO, DAVID MARANO, and PATRICIA MARANO, each individually,	)	
	)	
Defendants.	)	
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ANTHONY MARANO COMPANY,	)	
	)	
Intervening -Plaintiff,	)	
	)	
v.	)	
	)	
TRI-COUNTY PRODUCE, INC. and ANGELO MARANO, DAVID MARANO, and PATRICIA MARANO, each individually,	)	
	)	
Defendants.	)	

**REQUEST FOR ENTRY OF DEFAULT AGAINST ALL DEFENDANTS**

Uptown Produce Connection, Inc. (the "Plaintiff"), by and through its undersigned counsel, pursuant to Fed. R. Civ. P. 55(a), and requests this Honorable Court for the Entry of Default against defendants, Tri-County Produce, Inc. (the "Company"), Angelo Marano, David Marano and Patricia Marano, each individually, (collectively the "Principals")(the Principals and the Company are collectively referred to herein as the "Defendants"). In support of this Request, the Plaintiff states as follows:

1. On June 26, 2008, the Plaintiff filed its Complaint against all Defendants. See (Doc. #1).
2. On July 2, 2008, Summons was issued to all Defendants. See (Doc. #12).
3. On July 10, 2008, Service of Process was obtained upon all Defendants. See (Doc. Nos. 13 - 16).
4. Based upon service on July 10, 2008, each of the Defendants were required to appear, answer or otherwise plead to the Complaint within twenty (20) days of service of summons or before the date of July 30, 2007.
5. As of July 31, 2008, the Defendants have failed to appear, answer or otherwise plead in this matter, which is a violation of Fed. R. Civ. P. 12.

**FOR THESE REASONS**, the Plaintiff respectfully requests this Honorable Court to enter an Entry of Default against all Defendants, based on their failure to timely appear, answer or otherwise plead in this case.

DATE: July 31, 2008

Respectfully submitted,

UPTOWN PRODUCE CONNECTION, INC.

By: /s/ Jason R. Klinowski, Esq.  
One of Its Attorneys

Michael J. Keaton, Esq.  
Illinois Bar No. 6207203  
Jason R. Klinowski, Esq.  
Illinois Bar. No. 6283266  
KEATON & ASSOCIATES, P.C.  
1278 W. Northwest Highway, Suite 903  
Palatine, Illinois 60067  
Tel: 847/934-6500  
Counsel for the Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing, together with any and all exhibits thereto, if any, has been served upon all counsel of record properly registered with the Court's ECF system this 31st day of July 2008 and further served, via fax and/or first class mail with proper postage prepaid, upon the following recipients:

TRI-COUNTY PRODUCE, INC.  
408 Brook Street  
Elgin, IL 60120

DAVID MARANO  
537 Blue Ridge Ct.  
Elgin, Illinois 60123

ANGELO MARANO  
199 Bayview Road  
Elgin, Illinois 60123

PATRICIA MARANO  
199 Bayview Road  
Elgin, Illinois 60123

Respectfully submitted,

UPTOWN PRODUCE CONNECTION, INC.

By: /s/ Jason R. Klinowski, Esq.  
One of Its Attorneys

Michael J. Keaton, Esq.  
Illinois Bar No. 6207203  
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Tel: 847/934-6500  
Counsel for the Plaintiff

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UPTOWN PRODUCE CONNECTION, INC.,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	Case No. 08-CV-3660
	)	Honorable Judge Charles R. Norgle
TRI-COUNTY PRODUCE, INC. and ANGELO MARANO, DAVID MARANO, and PATRICIA MARANO, each individually,	)	
	)	<b>AFFIDAVIT</b>
	)	
Defendants.	)	
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Intervening -Plaintiffs,	)	
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Defendants.	)	
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Intervening -Plaintiff,	)	
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v.	)	
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TRI-COUNTY PRODUCE, INC. and ANGELO MARANO, DAVID MARANO, and PATRICIA MARANO, each individually,	)	
	)	
Defendants.	)	

**AFFIDAVIT OF ATTORNEY JASON R. KLINOWSKI IN SUPPORT OF  
PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT**

I, Jason R. Klinowski, declare and state as follows:

1. I am counsel for Uptown Produce Connection, Inc. (the "Plaintiff"), admitted to practice before this Honorable Court as a member of the Trial Bar, and, in such position, I am authorized to make this Affidavit. I am an adult and, based upon my own personal knowledge, I am competent to testify at trial regarding the statements made in this Affidavit. I file this Affidavit in support of the Plaintiff's Request for the Entry of Default against all defendants, Tri-County Produce, Inc. (the "Company"), Angelo Marano, David Marano and Patricia Marano, each individually, (collectively the "Principals")(the Principals and the Company are collectively referred to herein as the "Defendants").

2. On June 26, 2008, the Plaintiff filed its Complaint against all Defendants. See (Doc. #1).

3. On July 2, 2008, Summons was issued to all Defendants. See (Doc. #12).

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5. Based upon service on July 10, 2008, each of the Defendants were required to appear, answer or otherwise plead to the Complaint within twenty (20) days of service of summons or before the date of July 30, 2007.

6. As of July 31, 2008, the Defendants have failed to appear, answer or otherwise plead in this matter, which is a violation of Fed. R. Civ. P. 12.

7. Tri-County Produce, Inc. is an Illinois Corporation and as such is not eligible for military service.

8. On information and belief, Angelo Marano is not currently in military service.

9. On information and belief, Angelo Marano is over seventy 70 years of age, married,

owns a home in Kane County, Illinois and resides at 199 Bayview Road Elgin, Illinois 60123.

10. On information and belief, Patricia Marano is not currently in military service.

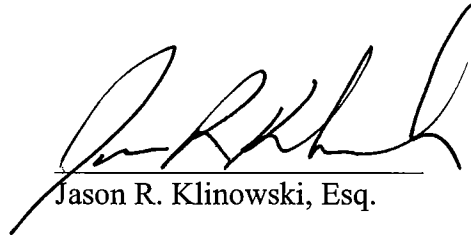
11. On information and belief, Patricia Marano is over sixty 60 years of age, married, owns a home in Kane County, Illinois and resides at 199 Bayview Road Elgin, Illinois 60123.

12. On information and belief, David Marano is not currently in military service.

13. On information and belief, David Marano is over sixty 40 years of age, married, owns a home in Kane County, Illinois and resides at 537 Blue Ridge Ct. Elgin, Illinois 60123.

**I declare the above statements to be true and correct under penalty of perjury  
that the foregoing is true and correct as set forth in 28 U.S.C. § 1746.**

DATE: July 31, 2008



Jason R. Klinowski, Esq.

Jason R. Klinowski, Esq.  
KEATON & ASSOCIATES, P.C.  
1278 W. Northwest Highway, Suite 903  
Palatine, Illinois 60067  
Tel: 847/934-6500  
Fax: 847/934-6508  
E-mail: [klinowski@pacatrust.com](mailto:klinowski@pacatrust.com)  
Counsel for the Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing, together with any and all exhibits thereto, if any, has been served upon all counsel of record properly registered with the Court's ECF system this 31st day of July 2008 and further served, via fax and/or first class mail with proper postage prepaid, upon the following recipients:

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Respectfully submitted,

UPTOWN PRODUCE CONNECTION, INC.

By: /s/ Jason R. Klinowski, Esq.  
One of Its Attorneys

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Counsel for the Plaintiff



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NORTHERN DISTRICT OF ILLINOIS  
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UPTOWN PRODUCE CONNECTION, INC., )  
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Plaintiff, ) CIVIL ACTION  
)  
v. ) Case No. 08-CV-3660  
) Honorable Judge Charles R. Norgle  
TRI-COUNTY PRODUCE, INC. and )  
ANGELO MARANO, DAVID MARANO, ) **CLERK'S ENTRY OF DEFAULT**  
and PATRICIA MARANO, each individually, )  
)  
Defendants. )  
\_\_\_\_\_)  
STRUBE CELERY & VEGETABLE )  
COMPANY, MICHAEL J. NAVILO & SON, )  
INC. and COOSEMANS CHICAGO, INC., )  
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Intervening -Plaintiffs, )  
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TRI-COUNTY PRODUCE, INC. and )  
ANGELO MARANO, DAVID MARANO, )  
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TRI-COUNTY PRODUCE, INC. and )  
ANGELO MARANO, DAVID MARANO, )  
and PATRICIA MARANO, each individually, )  
)  
Defendants. )

**DEFAULT BY CLERK OF THE U.S. DISTRICT COURT**

It appearing from the records in the above-entitled action that summons has been served upon the defendants named below, and it further appearing from the affidavit of counsel for the Plaintiff, and other evidence as required by F.R.Civ.P 55(a), that the below defendants have failed to properly and timely plead or otherwise defend in said action as directed in said Summons and as provided in the Federal Rules of Civil Procedure:

NOW THEREFORE, on request of counsel, the DEFAULT of each of the following named defendants is hereby entered:

1. Tri-County Produce, Inc.
2. Angelo Marano - Individually
3. David Marano - Individually
4. Patricia Marano - Individually

Clerk U.S. District Court  
Northern District of Illinois

DATE: August \_\_\_\_\_, 2008

By: \_\_\_\_\_  
Deputy Clerk

**CERTIFICATE OF SERVICE**

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